

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

CITY OF PELLA

NPDES #6368006

**AMENDMENT TO
ADMINISTRATIVE CONSENT
ORDER
NO. 2010-WW-07-AI**

TO: City of Pella
Denny Buyert
Public Works Director
825 Broadway St.
Pella, IA 50219

I. SUMMARY

This amendment to administrative consent order No. 2010-WW-07 is entered into between the City of Pella (Pella) and the Iowa Department of Natural Resources (DNR) for the purpose of modifying the compliance schedule for the completion of improvements to Pella's sanitary sewer collection system. The parties have agreed to the provisions below.

Any questions regarding this administrative consent order should be directed to:

Relating to technical requirements:

Tom Atkinson, Environmental Specialist
DNR Field Office #5
401 SW 7th Street, Suite 1
Des Moines, Iowa 50309
Phone: 515/725-0268

Relating to legal requirements:

Jon Tack, Attorney for the DNR
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, Iowa 50319
Phone: 515/281-8889

II. JURISDICTION

This Order is issued pursuant to the provisions of Iowa Code section 455B.175(1), which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code Chapter 455B, Division III, Part 1 (waste water) and the rules adopted or permits issued pursuant to that part, and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) chapter 10, which authorize the Director to assess administrative penalties.

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III. STATEMENT OF FACTS

1. The Statement of Facts, paragraphs 1 through 8, contained in administrative consent order No. 2010-WW-07 are reaffirmed and incorporated herein by reference.

9. In April of 2013, Pella installed a flow metering device downstream from the proposed West 4th Street relief sewer. The data obtained from this device, along with visual observations of flow in the area, led Pella to the conclusion that severe infiltration and in-flow is occurring on this sewer line.

10. Pella believes, and the DNR agrees, that additional investigation is warranted to locate and eliminate sources of infiltration and in-flow prior to the initiation of the West 4th Street sewer project. For this reason, the completion date for that project is being delayed by 1 year to October 9, 2014.

IV. CONCLUSIONS OF LAW

1. 567 IAC 64.7(5)(f) states that each issued NPDES permit shall provide for and ensure that the permittee at all times maintains in good working order and operate as efficiently as possible any facilities or systems of control to achieve compliance with the terms and conditions of the permit.

2. 567 IAC 64.7(5)(i) states that each issued NPDES permit shall provide for and ensure that the permittee shall take all reasonable steps to minimize or prevent any discharge in violation of the permit which has a reasonable likelihood of adversely affecting human health or the environment.

3. Pursuant to 567 IAC 63.6(1), bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited.

V. ORDER

THEREFORE, the DNR orders and Pella agrees to complete design and construction of the following projects by October 9, 2013:

1. Equalization basin near the Sents Creek Wastewater treatment plant.
2. Improvements to lift station #2 and improvements to the force main.
3. Sewer replacement on East 3rd Street.

The DNR further orders and Pella agrees to complete the following project by October 9, 2014:

1. Sewer replacement/addition on West 4th Street.

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VI. PENALTY

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5000.00 per day of violation for the violations involved in this matter.


2. Iowa Code section 455B.109 authorizes the Environmental Protection Commission (Commission) to establish by rule a schedule of civil penalties up to \$10,000 that may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties at IAC Chapter 567 - 10. Pursuant to this chapter, the DNR has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an amended order without penalty at this time. Noncompliance with this amended order may result in the issuance of a future administrative order assessing penalties.

VII. WAIVER OF APPEAL RIGHTS

This amendment is entered into knowingly by and with the consent of Pella. For that reason, Pella waives the right to appeal this administrative consent order or any part thereof.

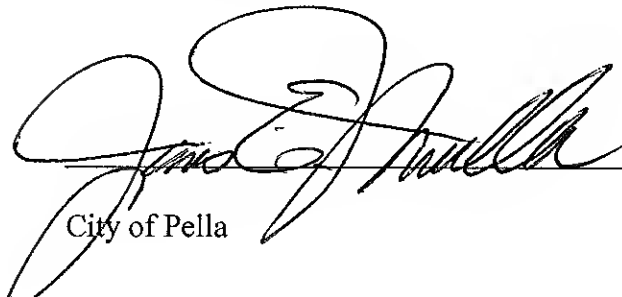
VIII. NONCOMPLIANCE

Failure to comply with this Order may result in the imposition of administrative penalties or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191. Compliance with section V. Order of this amendment constitutes full satisfaction of all requirements pertaining to the violations described in section "IV. Conclusions of Law" of this administrative consent order.



CHUCK GIPP, DIRECTOR
Iowa Department of Natural Resources
Bruce Troutman for Chuck Gipp

Dated this 23 day of
September, 2013



City of Pella

Dated this 17TH day of
SEPTEMBER, 2013

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NPDES #6368006; Field Office #5; Jon Tack; EPA; Tom Atkinson I.C.1